

SENATE No. 2597

Senate, September 4, 2025 -- Text of the Senate amendment (Senator Jehlen) to the House Bill establishing a charter for the city of Medford (House, No. 4263).

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

1 SECTION 1. Chapter 605 of the acts of 1986 is hereby repealed.

2 SECTION 2. The following shall be the charter for the city of Medford:

3 PREAMBLE

4 We, the people of the city of Medford, under the constitution and laws of the
5 commonwealth, desiring to manage our own affairs and conduct our local government so that it
6 is accountable, transparent, innovative, stable, ethical, representative and responsible and
7 wishing to participate fully in exercising the rights and responsibilities of local government, do
8 adopt and adhere to this charter. We aim for a government based upon this charter that will
9 promote equity, inclusivity, civic engagement and a vibrant, diverse community in which all
10 people have a voice. We recognize the fact that we need a government that is responsive and
11 serves residents' needs and demand that our leaders are principled and professional. Our city's
12 rich history, from before the creation of the ford by the meadow from which the city of Medford
13 draws its name, is complex and significant and we resolve to cultivate a city that learns from that
14 past to meet the promises and challenges of the future.

15 ARTICLE I

16 INCORPORATION; SHORT TITLE; DEFINITIONS

17 Section 1-1: INCORPORATION

18 The inhabitants of the city of Medford, within the territorial limits established by law,
19 shall continue to be a municipal corporation, a body corporate and politic, under the name “City
20 of Medford.”

21 Section 1-2: SHORT TITLE

22 This instrument shall be known and may be cited as the city of Medford charter.

23 Section1-3: DIVISION OF POWERS

24 The administration of the fiscal, prudential and municipal affairs of the city of Medford
25 shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a
26 city council. The legislative branch shall never exercise any executive power, and the executive
27 branch shall never exercise any legislative power.

28 Section1-4: POWERS OF THE CITY

29 Subject only to express limitations on the exercise of any power or function by a
30 municipal government in the constitution of the commonwealth or General Laws, it is the
31 intention and the purpose of the voters of the city of Medford, through the adoption of this
32 charter, to secure for themselves and their government all the powers it is possible to secure as
33 fully and as completely as though each power were specifically and individually enumerated in
34 this charter.

35 Section 1-5: CONSTRUCTION

36 The powers of the city under this charter are to be construed liberally in favor of the city
37 and the specific mention of any particular power is not intended to limit the general powers of
38 the city as stated in section 1-4.

39 Section 1-6: INTERGOVERNMENTAL RELATIONS

40 Subject only to express limitations in the constitution of the commonwealth or General
41 Laws, the city may exercise any of its powers or perform any of its functions and may participate
42 in the financing thereof, jointly or in cooperation, by contract or otherwise, with the
43 commonwealth or any of its agencies or political subdivisions, or with the United States
44 government or any of its agencies.

45 Section 1-7: DEFINITIONS

46 As used in this charter, the following words shall have the following meanings unless the
47 context clearly requires otherwise:

48 (1) “Charter”, this charter and any adopted amendments to it.

49 (2) “City”, the city of Medford.

50 (3) “City agency”, any multiple-member body, any department, division or office of
51 the city of Medford.

52 (4) “City office or department head”, a person having charge of a city office or
53 department.

54 (5) “City website”, a site established and maintained by the city as its online
55 repository of municipal information, whether on the internet or accessed through another
56 comparable technology, not including the Medford public schools.

57 (6) “District”, for the purposes of articles 4 and 7, shall refer to the districts of school
58 committee members elected from the following districts comprised of combined wards within
59 the city of Medford: (i) wards 1 and 7; (ii) wards 2 and 3; (iii) wards 4 and 5; and (iv) wards 6
60 and 8.

61 (7) “Emergency”, a sudden, generally unexpected occurrence or set of circumstances
62 demanding immediate action.

63 (8) “Full city council”, the entire authorized membership of the city council,
64 notwithstanding any vacancy that exists.

65 (9) “Full multiple-member body”, the entire authorized membership of a multiple-
66 member body, notwithstanding any vacancy that exists.

67 (10) “Full school committee”, the entire authorized membership of the school
68 committee, notwithstanding any vacancy that exists.

69 (11) “Local newspaper”, a newspaper of general circulation within Medford, with
70 either a weekly or daily circulation.

71 (12) “Majority vote”, when used in connection with a meeting of a multiple-member
72 body, shall mean a majority of those present and voting, unless another provision is made by
73 ordinance or by such body’s own rules; provided, however, that a vote to meet in executive
74 session shall require a majority of the full multiple-member body.

75 (13) “Measure”, any ordinance, order or other vote or proceeding adopted, or which
76 might be adopted, by the city council or the school committee.

77 (14) “Multiple-member body”, any council, commission, committee, subcommittee or
78 other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted,
79 but not including the city council, the school committee or an advisory committee appointed by
80 the mayor or the school committee.

81 (15) “New initiative measure”, a measure proposed by the voters through the initiative
82 process provided under this charter, excluding repeal referendum measures.

83 (16) “Organization or reorganization plan”, a plan submitted by the mayor to the city
84 council which proposes a change in the organization or the administrative structure of the city
85 administration or organization or a change in the way in which municipal services are delivered.

86 (17) “Quorum”, a simple majority of the members of the public body, unless otherwise
87 provided in a general or special law, executive order or other authorizing provision.

88 (18) “Recall”, an election to remove an elected official from office before the
89 expiration of the term for which elected.

90 (19) “Remove from the city” or “remove from a ward”, when a person ceases to be
91 domiciled within the territorial limits of the city or a ward, respectively.

92 (20) “Repeal referendum measure”, a measure adopted by the city council or the
93 school committee that is protested under the referendum procedures of this charter.

94 (21) “Voters”, registered voters of the city of Medford.

95 (22) "Year", a calendar year, unless otherwise specified.

96 ARTICLE II

97 LEGISLATIVE BRANCH

98 Section 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

99 (a) There shall be a city council that shall exercise the legislative powers of the city.
100 The city council shall consist of 11 members, 1 ward councilor nominated and elected by the
101 voters of each of the 8 wards of the city and the remaining 3 city council members shall be
102 councilors-at-large who shall be nominated and elected by and from the voters at large.

103 (b) The term of office for councilors shall be 2 years each, beginning on the first
104 Monday in January succeeding the councilor's election, except when that first Monday falls on a
105 legal holiday, in which event the term shall begin on the following day and shall end when their
106 successors have been qualified.

107 (c) Any voter shall be eligible to hold the office of councilor-at-large. A ward
108 councilor shall be a voter in the ward from which election is sought. If a ward councilor or a
109 councilor-at-large removes from the city during the councilor's term, that office shall
110 immediately be deemed vacant and filled in the manner provided in section 2-10. A ward
111 councilor who removes from the ward in which the councilor was elected and who remains a
112 resident of the city may continue to serve during the term for which the councilor was elected.
113 The city council shall determine by 2/3 vote whether a city councilor has removed from the city.

114 Section 2-2: COUNCIL PRESIDENT AND VICE-PRESIDENT, ELECTION; TERM;
115 POWERS

116 (a) Election and Term – As soon as practicable after the councilors-elect have been
117 qualified following each biennial election, as provided in section 9-10, the members of the city
118 council shall annually elect from among its members a city council president.

119 (b) Powers and Duties - The president shall prepare the agenda for city council
120 meetings. The city council president shall preside at all meetings of the city council, regulate its
121 proceedings, and shall decide all questions of order. The city council president shall appoint all
122 members of all committees of the city council, whether special or standing. The city council
123 president shall have the same powers to vote upon all measures coming before the city council as
124 any other member of the city council. The city council president shall perform such other duties
125 consistent with the office as may be provided by charter, by ordinance, city council rules or by
126 other vote of the city council.

127 (c) Council Vice-President – The members of the city council shall also elect
128 annually from among its members a city council vice-president who shall serve as acting
129 president during the temporary absence of the city council president. The powers of an acting
130 city council president shall be limited to only those powers of the office indispensably essential
131 to the performance of the duties of the office during the period of such temporary absence and no
132 others.

133 (d) Vacancy – If a vacancy occurs in the office of city council president the city
134 council shall elect from among its members a city council president who shall serve for the
135 balance of the current term. If a vacancy occurs in the office of city council vice-president the
136 city council shall elect from among its members a city council vice-president who shall serve for
137 the balance of the current term.

138 Section 2-3: PROHIBITIONS

139 (a) No member of the city council shall hold any other city office or city employment
140 for which a salary or other emolument is payable from the city treasury. No former member of
141 the city council shall hold any compensated appointed city office or appointed city employment
142 until 1 year following the date on which such former member's service on the city council has
143 terminated.

144 (b) Neither the city council nor any member of the city council shall give orders or
145 directions to an officer or employee authorized pursuant to section 3-3, either publicly or
146 privately.

147 Section 2-4: COMPENSATION

148 (a) The members of the city council shall receive such salary for their services as may
149 from time to time be set by ordinance. No ordinance increasing or decreasing the salary of city
150 councilors shall be effective unless it shall have been adopted by a 2/3 vote during the first 18
151 months of the term for which city councilors are elected and it provides that such salary is to take
152 effect upon the organization of the city government following the next regular municipal
153 election.

154 (b) Subject to appropriation, the city council members shall be entitled to
155 reimbursement of their actual and necessary expenses incurred in the performance of their duties.

156 Section 2-5: EXERCISE OF POWERS; QUORUM; RULES

157 Except as otherwise provided by law or the charter, all powers of the city shall be vested
158 in the city council, which shall provide for their exercise and for the performance of all duties
159 and obligations imposed upon the city by law.

160 The city council shall from time to time adopt rules regulating its procedures that shall
161 include, but not be limited to, rules requiring that:

162 (i) regular meetings of the city council shall be held at a time and place fixed by the
163 city council rules;

164 (ii) special meetings of the city council shall be held at the call of the president or at
165 the call of not less than 3 members, by written notice delivered in hand, via electronic mail or by
166 first class mail to each member; provided, however, that such notice shall contain a listing of the
167 items to be acted upon; provided further, that except in case of an emergency, which shall be
168 determined by the president, such notice shall be delivered not less than 48 hours in advance of
169 the time set for such meeting, excluding Saturdays, Sundays and legal holidays; and provided
170 further, that a copy of the notice to members shall immediately be posted upon the city bulletin
171 boards; and

172 (iii) all sessions of the city council and of every committee or subcommittee of the city
173 council shall be open to the public unless another provision is allowed by law.

174 Section 2-6: ACCESS TO INFORMATION

175 (a) The city council may request a member of a multiple-member body or a city
176 officer or employee to appear before the city council to give any information that the city council
177 may require in relation to the municipal services, functions and powers or duties which are

178 within the scope of responsibility of that person and not within the jurisdiction of the school
179 committee.

180 (b) The city council shall give a minimum of 14 days' notice to a person it may
181 request to appear before it under this section. The notice shall include specific questions on
182 which the city council seeks information and no person called to appear before the city council
183 under this section shall be required to respond to any question not relevant or related to those
184 questions presented in advance and in writing.

185 (c) The city council may request specific information from the mayor on any
186 municipal matter and may request that the mayor be present to answer written questions relating
187 to that information at a meeting to be held not earlier than 14 days from the date the mayor
188 receives the questions. The mayor shall personally, or through a designee, attend such meeting
189 and respond to the questions. The mayor or such designee shall not be required to answer
190 questions relating to any other matter.

191 Section 2-7: APPOINTMENTS OF THE CITY COUNCIL

192 (a) The city council shall elect a city clerk to serve for a term of up to 3 years. The
193 city clerk shall be the keeper of vital statistics of the city and the custodian of the city seal and of
194 all records of the city. The city clerk shall administer the oath of office to all city officers and
195 shall issue licenses and permits as may be provided by law. The city clerk shall have the powers
196 and duties provided to that office by law, this charter, ordinances or other votes of the city
197 council.

198 (b) The city council shall elect an assistant to the members of the city council at the
199 direction of the city council president or their designee. The assistant shall be a resident of the
200 city.

201 (c) Subject to appropriation, the city council may establish additional support
202 positions by ordinance as the city council deems necessary and may appoint staff to serve in
203 those positions. All officials of the city shall cooperate with employees of the city council in the
204 performance of any oversight functions. City council staff shall have such other powers and
205 duties as they may be provided for by charter, by ordinance or by other vote of the city council.

206 (d) City council staff appointed under this section shall receive such compensation as
207 from time to time may be provided for such a position by ordinance.

208 Section 2-8: ORDINANCES AND OTHER MEASURES

209 (a) No ordinance shall be passed finally on the date it is introduced, except in case of
210 an emergency involving the health or safety of the people or their property or in the case of the
211 unanimous vote of the city council. No ordinance shall be regarded as an emergency ordinance
212 unless the emergency is defined and declared in a preamble to the ordinance, separately voted
213 upon and receives the affirmative vote of not less than 8 members of the city council. An
214 emergency ordinance shall be repealed after the expiration of 60 days following its adoption
215 unless an earlier date is specified in the measure, or another measure passed under this section
216 extends the original emergency ordinance.

217 (b) The city council may pass a measure through all its stages at 1 meeting, except for
218 proposed ordinances, appropriation orders and loan authorizations, if no member of the city
219 council objects; provided, however, that if a single member objects, a vote on the measure shall

220 be postponed to the next meeting of the city council. If a member objects to the taking of a vote
221 on the first occasion that the question of adopting any measure is put to the city council, except
222 an emergency ordinance under subsection (a), the vote shall be postponed until the next regular
223 or special meeting of the city council. This procedure shall not be used more than once for any
224 measure notwithstanding any amendments made to the original measure.

225 (c) Every introduced ordinance, appropriation order or loan authorization, except an
226 emergency ordinance, shall be posted on the city bulletin board and city website and made
227 available in the office of the city clerk. After final passage it shall be posted on the city bulletin
228 board and city website and otherwise published and made public as may be required by
229 ordinance.

230 Section 2-9: CITY COUNCIL CONFIRMATION OF CERTAIN

231 APPOINTMENTS

232 The mayor shall refer to the city council and simultaneously file with the city clerk the
233 name of each person the mayor desires to appoint as a member of a multiple-member body for
234 whom no other method of appointment or selection is provided by charter. Appointments made
235 by the mayor shall become effective on the thirtieth day after the date on which notice of the
236 proposed appointment was filed with the city clerk unless rejected by a majority vote of the city
237 council within 30 days of such filing and such rejection shall not be unreasonably withheld. The
238 question on rejection of any appointment made by the mayor shall not be subject to the
239 procedure of objection provided in section 2-8(b) of the charter.

240 Section 2-10: FILLING OF VACANCIES

241 (a) If a vacancy occurs in the office of councilor-at-large, the vacancy shall be filled
242 by the candidate that: (i) was a candidate for such office at the preceding city election; (ii)
243 received the next highest number of votes at such election; (iii) received not less than 30 per cent
244 of the total votes cast for the candidate that was elected to such office; and (iv) remains eligible
245 and willing to serve as councilor-at-large. The board of election commissioners shall certify this
246 candidate to the office of councilor-at-large to serve for the balance of the unexpired term.

247 (b) If a vacancy occurs in the office of ward councilor, the vacancy shall be filled by
248 the candidate that: (i) was a candidate for such office at the preceding city election; (ii) received
249 the next highest number of votes at such election; (iii) received not less than 30 per cent of the
250 total votes cast for the candidate that was elected to such office; and (iv) remains eligible and
251 willing to serve as ward councilor. The board of election commissioners shall certify this
252 candidate to the office of ward councilor to serve for the balance of the unexpired term.

253 (c) If a vacancy occurs in the office of councilor-at-large or in that of ward councilor
254 and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or
255 (b), the remaining members of the city council shall elect a person to fill the vacancy. The notice
256 of the meeting to fill the vacancy must be posted not less than 10 days in advance of the meeting.

257 (d) A person elected by the city council to fill a vacancy shall serve until the next
258 regular election, at which time the vacancy shall be filled by the voters and the person chosen to
259 fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired
260 term in addition to the term for which the person is elected.

261 (e) No vacancy shall be filled under this section if a regular city election is to be held
262 within 120 days following the date the vacancy is declared to exist. A person serving as a

263 councilor under this section shall not be entitled to have the words "candidate for re-election"
264 printed against the person's name on the election ballot.

265 Section 2-11: PERIODIC REVIEW OF ORDINANCES

266 Not later than July 1, at 5-year intervals, in each year ending in a 7 or in a 2, the mayor
267 and city council shall provide for a review to be made of some or all the ordinances of the city to
268 prepare a proposed revision or recodification of them. This review shall be made by a special
269 committee to be established by a vote of the city council. The committee shall consist of 7
270 members; 3 of whom shall be appointed by the mayor and 4 of whom shall be appointed by the
271 city council. All members of the committee shall be voters of the city. The special committee
272 shall file its report with the city clerk on a date specified by a vote of the city council. The review
273 of city ordinances shall be under the supervision of the city solicitor. Copies of any
274 recommendations shall be made available to the public at a cost not exceeding the actual cost of
275 the reproduction.

276 ARTICLE III

277 EXECUTIVE BRANCH

278 Section 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE;

279 COMPENSATION; PROHIBITIONS

280 (a) The chief executive officer of the city shall be a mayor, elected by and from the
281 voters of the city at large. Any voter shall be eligible to hold the office of mayor. The mayor
282 shall devote full time to the office and shall not hold any other elective public office, nor shall

283 the mayor be engaged in any other business, occupation or profession during the period of
284 service as mayor.

285 (b) The term of office of the mayor shall be 4 years beginning on the first Monday in
286 January succeeding the mayor's election, except when that first Monday falls on a legal holiday,
287 in which event the term shall begin on the following day and shall end when a successor has
288 been qualified.

289 (c) No person shall be elected to the office of mayor for more than 4 consecutive
290 terms.

291 (d) The city council shall, by ordinance, establish compensation for the mayor. No
292 ordinance increasing or decreasing the compensation of the mayor shall be effective unless it has
293 been adopted by a 2/3 vote of the full city council. No ordinance increasing or decreasing the
294 compensation of the mayor shall be effective unless it has been adopted during the first 36
295 months of the term for which the mayor is elected and unless it provides that the compensation
296 increase or decrease is to take effect upon the organization of the city government following the
297 next regular city election.

298 (e) No former mayor shall hold any compensated appointed city office or city
299 employment for 1 year following the date on which said mayor leaves office.

300 Section 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

301 (a) The executive powers of the city shall be vested solely in the mayor and may be
302 exercised by the mayor either personally or through the several city agencies under the general
303 supervision and control of the office of the mayor.

304 (b) The mayor shall cause the charter, the laws, the ordinances and other orders for
305 the government of the city to be enforced and shall cause a record of all official acts of the
306 executive branch of the city government to be kept.

307 (c) The mayor shall exercise general supervision and direction over all city agencies,
308 unless otherwise provided by law or the charter. Each city agency shall furnish the mayor,
309 forthwith upon request, any information, materials or otherwise as the mayor may request and as
310 the needs of the office of mayor and the interest of the city may require.

311 (d) The mayor shall be, by virtue of the office, a member of every multiple-member
312 body of the city. The mayor shall have a right, as such ex officio member, to attend any meeting
313 of any multiple-member body of the city, at any time, including so-called executive sessions, to
314 participate in the discussions, make motions and exercise every other right of a regular member
315 of such body, but not including the right to vote.

316 Section 3-3: APPOINTMENTS BY THE MAYOR

317 (a) The mayor shall appoint all city officers and department heads. The mayor shall
318 appoint members of multiple-member bodies for whom no other method of appointment or
319 selection is provided by the charter or ordinance. All appointments to multiple-member bodies
320 shall be in accordance with section 2-9.

321 (b) Upon the expiration of the term of a member of a multiple-member body, a
322 successor shall be appointed in like manner. The mayor shall fill a vacancy for the remainder of
323 the unexpired term of a member of any multiple-member body.

324 (c) All persons classified as department heads, except the city clerk, shall, subject to
325 the consent of the mayor, appoint, promote, and discipline all assistants, subordinates and other
326 employees of the agency for which that person is responsible. All appointments and promotions
327 made or approved by the mayor shall be made based on merit and fitness demonstrated by
328 examination, past performance or by other evidence of competence and suitability. Each person
329 appointed to fill an office or position shall be a person especially fitted by education, training,
330 and previous work experience to perform the duties of the office or position for which the person
331 is chosen.

332 Section 3-4: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

333 The mayor may, in writing, remove or suspend any city officer or the head of any city
334 department appointed by the mayor by filing a written statement containing the effective date of
335 the removal or suspension and the office or officer affected with the city clerk.

336 Section 3-5: TEMPORARY APPOINTMENTS TO CITY OFFICES

337 (a) If a temporary or permanent vacancy occurs in a city office and the needs of the
338 city require that the office be filled, the mayor may designate the head of another city agency, a
339 city officer, a city employee or some other person to perform the duties of the office on a
340 temporary basis until the position can be filled as otherwise provided by law or by this charter. If
341 a person is designated under this section, the mayor shall file a certificate with the city clerk in
342 substantially the following form:

343 I designate (name of person) to perform the duties of the office of (designate office in
344 which vacancy exists) on a temporary basis until the office can be filled by (set out the regular
345 procedure for filling the vacancy or when the regular officer shall return). I certify that said

346 person is qualified to perform the duties that will be required and that I make this designation
347 solely in the interests of the city of Medford.

348 (b) A person serving as a temporary officer under this section shall have only those
349 powers of the office essential to the performance of the duties of the office during the period of
350 the temporary appointment. Notwithstanding any general or special law to the contrary, no
351 temporary appointment shall be for more than 180 days; provided, however, that 1 extension of
352 not more than 120 days of a temporary appointment may be made when a permanent vacancy
353 exists in the office.

354 Section 3-6: COMMUNICATIONS; SPECIAL MEETINGS

355 (a) Within 12 weeks following the start of each fiscal year the mayor shall submit to
356 the city council, and make available for public distribution, a complete report on the financial
357 and administrative activities of the city for the preceding fiscal year.

358 (b) The mayor shall, from time to time throughout the year, by written
359 communications, recommend to the city council for its consideration such measures as, in the
360 judgment of the mayor, the needs of the city require.

361 (c) The mayor shall, from time to time throughout the year by written
362 communications, keep the city council fully informed of the financial and the administrative
363 condition of the city and shall specifically indicate in any such reports any fiscal, financial or
364 administrative problems of the city.

365 (d) The mayor may call a special meeting of the city council for any purpose. Notice
366 of the meeting shall, except in an emergency, require written notice delivered in hand, via

367 electronic mail or by first class mail to each member; provided, however, that such notice shall
368 contain a listing of the items to be acted upon; provided further, that except in case of an
369 emergency, which shall be determined by the mayor, such notice shall be delivered not less than
370 48 hours in advance of the time set for such meeting, excluding Saturdays, Sundays and legal
371 holidays; and provided further, that a copy of the notice to members shall immediately be posted
372 upon the city bulletin boards and the city website.

373 Section 3-7: APPROVAL OF CITY MAYOR, VETO

374 Every order, ordinance or vote adopted or passed by the city council relative to the affairs
375 of the city, except resolutions, the selection of city officers by the city council and any matters
376 relating to the internal affairs of the city council shall be presented to the mayor for approval. If
377 the mayor approves of a measure, the mayor shall sign it. If the mayor disapproves of a measure,
378 the mayor shall return the measure with the specific reasons for the disapproval attached to it, in
379 writing, to the city council. The city council shall enter the objections of the mayor on its records
380 and shall reconsider the measure not less than 10 but not more than 30 days from the date of the
381 measure is returned. If the city council again passes the order, ordinance or vote by a 2/3 vote of
382 the full city council, it shall then take effect notwithstanding the objections of the mayor. If the
383 mayor has neither signed a measure nor returned it to the city council within 10 days following
384 the date it was presented to the mayor, the measure shall take effect.

385 Section 3-8: TEMPORARY ABSENCE OF THE MAYOR

386 (a) If the mayor is temporarily unable to perform the duties of the office, the
387 president of the city council shall serve as acting mayor or, if the city council president is unable
388 or unwilling to serve, the city council shall elect, by majority vote, 1 of its members to serve as

389 an acting mayor. The city council, by unanimous vote of the entire membership, may determine
390 whether the mayor is unable to perform the duties of the office. Notwithstanding any general or
391 special law to the contrary, the vote of the council shall be taken in public session by a roll call
392 vote. The mayor may, by their own authority, declare themselves temporarily unable to perform
393 the duties of the office and may at any point thereafter declare themselves able to perform the
394 duties of the office.

395 (b) The acting mayor shall have only those powers of the mayor that are
396 indispensable and essential to conduct the business of the city in an orderly and efficient manner
397 and on which action may not be delayed. The acting mayor shall not have authority to make a
398 permanent appointment or removal from city service unless the absence of the mayor shall
399 extend beyond 60 days, nor shall an acting mayor approve or disapprove of any measure adopted
400 by the city council unless the time within which the mayor must act expires before the return of
401 the mayor. During any period in which any member of the city council is serving as acting
402 mayor, such councilor shall not vote as a member of the city council.

403 Section 3-9: DELEGATION OF AUTHORITY BY THE MAYOR

404 The mayor may authorize a subordinate officer or employee of the city to exercise a
405 power or perform a function or a duty which is assigned by this charter, or otherwise, to the
406 mayor and the mayor may rescind or revoke an authorization previously made; provided,
407 however, that all acts performed under any such delegation of authority during the period of
408 authorization shall be and remain the acts of the mayor. Nothing in this section shall be
409 construed to authorize a mayor to delegate the powers and duties of a school committee member,

410 the power of appointment to city office or employment or to sign or return measures approved by
411 the city council.

412 Section 3-10: VACANCY IN THE OFFICE OF THE MAYOR

413 (a) If a vacancy in the office of mayor occurs during the first 34 months of the term
414 for which the mayor is elected, the city council shall forthwith order a special election to be held
415 within 150 days following the date the vacancy is created to fill such vacancy for the balance of
416 the remaining term. If a regular city election is to be held within 180 days following the date the
417 vacancy is created, the position shall be filled by vote at such election. The person elected shall
418 serve for the balance of the remaining term. An acting mayor as provided under section 3-8 shall
419 serve until such special or regular municipal election and shall receive such compensation as
420 established by ordinance for mayoral compensation.

421 (b) If a vacancy in the office of mayor occurs in the last 14 months of the term to
422 which the mayor is elected, the president of the city council shall serve as acting mayor and if the
423 city council president is unable or unwilling to serve, the city council shall elect 1 of its members
424 to serve as acting mayor. A majority vote of the city council shall be required to elect a mayor
425 from among the members of the city council. Upon the election of a member of the city council
426 as the mayor under this section, a vacancy shall exist in that city council seat which shall be
427 filled in the manner provided in section 2-10. Any person serving as mayor under this subsection
428 shall not be subject to the restrictions contained in the second sentence of section 3-1(a). Such
429 person shall not be entitled to have the words "candidate for re-election" printed against their
430 name on the election ballot for the office of the mayor, provided, however, that such person may
431 have said words printed against their name on the election ballot for their original city council

432 position. Such person shall receive such compensation as established by ordinance for the office
433 of mayor.

434 ARTICLE IV

435 SCHOOL COMMITTEE

436 Section 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

437 (a) The school committee shall consist of 7 members, 2 of whom shall be elected at
438 large by the voters of the city, 4 of whom shall be elected from each of the 4 districts and 1 of
439 whom shall be the mayor.

440 (b) The term of office for members elected to the school committee shall be 2 years,
441 beginning on the first Monday in January succeeding the member's election, except when that
442 first Monday falls on a legal holiday, in which event the term shall begin on the following day
443 and shall end when their successors have been qualified.

444 (c) Any voter shall be eligible to be a candidate for the office of school committee
445 member at-large. A district school committee candidate shall be a voter in the district for which
446 election is sought.

447 (d) If a school committee member removes from the city during the school committee
448 member's term, that office shall immediately be deemed vacant and filled in the manner
449 provided in section 4-6. A district school committee member who removes from the district in
450 which the school committee member was elected and who remains a resident of the city may
451 continue to serve during the term to which the remainder of the school committee member was

452 elected. The school committee shall determine by 2/3 vote whether a school committee member
453 has removed from the city.

454 Section 4-2: SCHOOL COMMITTEE ORGANIZATION; CHAIR, VICE

455 CHAIR AND SECRETARY

456 (a) Immediately prior to the first regular committee meeting in January or as soon as
457 practicable after school committee members-elect have been qualified following each regular
458 city election, the school committee members shall choose from amongst their membership a
459 chair, vice chair and secretary.

460 (b) The school committee chair shall prepare the agenda for the school committee
461 meetings, preside over all regular meetings of the school committee and regulate its proceedings,
462 appoint members to various subcommittees, possess the same powers to vote upon measures
463 coming before the school committee as any other member of the school committee and perform
464 such other duties consistent with the office as may be provided by this charter, by ordinance or
465 by other vote of the school committee. The vice chair shall preside in the absence of the chair.

466 (c) The secretary shall record the votes taken at regular school committee meetings.
467 The secretary shall oversee and approve the bills of the school department unless the school
468 committee votes to form a subcommittee expressly for reviewing the bills.

469 Section 4-3: PROHIBITIONS

470 No member of the school committee shall hold any other city office or city employment
471 for which a salary or other emolument is payable from the city treasury. No former member of

472 the school committee shall hold any compensated appointed city office or city employment for 1
473 year after the date on which the member's service on the school committee ends.

474 Section 4-4: COMPENSATION

475 The members of the school committee shall receive such salary for their services as may
476 from time to time be set by ordinance. No ordinance increasing or decreasing the salary of school
477 committee members shall be effective unless it shall be adopted by a 2/3 vote of the city council
478 during the first 18 months of the term for which school committee members are elected and it
479 provides that such salary is to take effect upon the organization of the city government following
480 the next regular municipal election.

481 Section 4-5: POWERS AND DUTIES

482 (a) The school committee shall have all powers which are conferred on school
483 committees by the General Laws and the additional powers and duties provided by charter,
484 ordinance or otherwise and not inconsistent with the General Laws.

485 (b) The school committee shall exercise the following powers and perform the
486 following duties; provided, however, that no individual member shall be empowered to act
487 unless by vote of the school committee:

488 (i) make all reasonable rules and regulations for the management of the public school
489 system and for conducting the business of the school committee as deemed necessary or
490 desirable; including, but not limited to, determining the hours and sessions of the public schools,
491 establishing rates of tuition for non-resident pupils and participating in negotiations in
492 accordance with the General Laws; and

493 (ii) adopt and oversee the administration of an annual operating budget for the school
494 system, subject to appropriation by the city council; provided, however, that the school
495 committee shall have general charge and superintendence of all school buildings and grounds
496 and shall furnish all school buildings with proper fixtures, furniture and equipment.

497 Section 4-6: FILLING OF VACANCIES

498 (a) If a vacancy occurs in the office of at-large school committee member, the
499 vacancy shall be filled by the candidate that: (i) was a candidate for such office at the preceding
500 city election; (ii) received the next highest number of votes; (iii) received not less than 30 per
501 cent of the total votes cast for the candidate that was elected to such office; and (iv) remains
502 eligible and willing to serve as at-large school committee member. The board of election
503 commissioners shall certify this candidate to the office of at-large school committee member to
504 serve for the balance of the unexpired term.

505 (b) If a vacancy occurs in the office of district school committee member, the
506 vacancy shall be filled by the candidate that: (i) was a candidate for such office at the preceding
507 city election; (ii) received the next highest number of votes; (iii) received not less than 30 per
508 cent of the total votes cast for the candidate that was elected to such office; and (iv) remains
509 eligible and willing to serve as district school committee member. The board of election
510 commissioners shall certify this candidate to the office of district school committee to serve for
511 the balance of the unexpired term.

512 (c) If a vacancy occurs in the office of an at-large school committee member or a
513 district school committee member and there is no available candidate to fill the vacancy in the
514 manner provided in subsection (a) or (b), the remaining members of the school committee and

515 the city council shall meet in joint session to elect a person to fill the vacancy. The notice of the
516 meeting to fill the vacancy must be posted at least 10 days in advance of the meeting. A person
517 elected by the school committee and city council to fill a vacancy shall serve until the next
518 regular election, at which time the vacancy shall be filled by the voters and the person chosen to
519 fill the vacancy shall immediately be sworn and shall serve for the remainder of the current term
520 in addition to the term to which elected.

521 (d) No vacancy shall be filled under this section if a regular city election is to be held
522 within 120 days following the date the vacancy is declared to exist. A person serving as a school
523 committee member under this section shall not be entitled to have the words "candidate for re-
524 election" printed against the person's name on the election ballot.

525 ARTICLE V

526 ADMINISTRATIVE ORGANIZATION

527 Section 5-1: ORGANIZATION OF CITY AGENCIES

528 The organization of the city into agencies to provide services and administer the
529 government may be accomplished only through an administrative order submitted to the city
530 council by the mayor. No administrative order may originate with the city council. The mayor
531 may, subject only to express prohibitions of a general law or this charter, submit proposals to
532 reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency
533 as is deemed necessary, establish terms of office and prescribe the functions and administrative
534 procedures to be followed by all such agencies.

535 No function assigned by this charter to a particular agency may be discontinued or
536 assigned to any other agency unless specified by this charter. The mayor may prepare and submit
537 to the city council administrative orders that establish agencies for the orderly, efficient or
538 convenient conduct of the business of the city. These administrative orders shall be accompanied
539 by a message from the mayor which explains the expected benefits and advises the city council if
540 an administrative order shall require amendments, insertions, revisions, repeal or otherwise of
541 existing ordinances. If the mayor proposes an administrative order, the city council shall hold at
542 least 1 public hearings on the proposal giving notice by publication in a local newspaper and on
543 the city's website, which shall describe the scope of the proposal and the time and place at which
544 the public hearing will be held, not less than 7 nor more than 14 days following the publication.
545 An organization or reorganization plan shall become effective 60 days after the proposal is
546 submitted to the city council unless the city council shall, by a majority vote, within said 60-day
547 period, vote to disapprove the plan. The city council may vote only to approve or to disapprove
548 the plan and may not vote to amend or to alter it.

549 Section 5-2: MERIT PRINCIPLES

550 All appointments and promotions of city officers and employees shall be made on the
551 basis of merit and fitness demonstrated by examination, past performance or by other evidence
552 of competence and suitability. Each person appointed to fill an office or position shall be a
553 person especially fitted by education, training and previous work experience to perform the
554 duties of the office or position.

555 ARTICLE VI

556 FINANCIAL PROCEDURES

557 Section 6-1: FISCAL YEAR

558 The fiscal year of the city shall begin on July 1 and shall end on the last day of June,
559 unless another period is required by general law.

560 Section 6-2: ANNUAL BUDGET MEETING

561 Annually, on or before February 15, the mayor shall call a joint meeting of the city
562 council and school committee before the commencement of the budget process to review the
563 financial condition of the city and share relevant information.

564 Section 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET

565 MESSAGE

566 Not less than 45 days before the beginning of the fiscal year, the mayor shall submit to
567 the city council a proposed operating budget for all city agencies, which shall include the budget
568 as approved by the school committee, for the ensuing fiscal year with an accompanying budget
569 message and supporting documents. The budget message submitted by the mayor shall: (i)
570 explain the operating budget in fiscal terms and in terms of work programs for all city agencies;
571 (ii) outline the proposed fiscal policies of the city for the ensuing fiscal year; (iii) describe key
572 features of the proposed operating budget; and (iv) indicate any major variations from the current
573 operating budget, fiscal policies, revenues and expenditures, together with reasons for such
574 changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and
575 activities and shall be in the form the mayor deems desirable. The school budget, as adopted by
576 the school committee, shall be submitted to the mayor within a reasonable time before the
577 submission of the proposed operating budget to the city council. The mayor shall notify the

578 school committee of the date by which the budget of the school committee shall be submitted to
579 the mayor. The mayor and the school superintendent shall coordinate the dates and times of the
580 school committee's budget process.

581 Section 6-4: ACTION ON THE OPERATING BUDGET

582 (a) The city council shall publish in at least one local newspaper and on the city
583 website a notice of the proposed operating budget as submitted by the mayor. The notice shall
584 state: (i) the times and places where copies of the entire proposed operating budget are available
585 for inspection by the public; and (ii) the date, time and place, not less than 14 days after its
586 publication, when a public hearing on the proposed operating budget will be held by the city
587 council.

588 (b) The city council shall adopt the operating budget, with or without amendments,
589 not more than 30 days following the date the budget is filed with the city clerk. In amending the
590 operating budget, the city council may delete or decrease any amounts except expenditures
591 required by law. The city council, except on the recommendation of the mayor, shall not increase
592 any item in or the total of the proposed operating budget unless otherwise authorized by law. If
593 the city council fails to act on an item in the operating budget within 30 days after receipt of the
594 budget, that amount shall, without any action by the city council, become a part of the
595 appropriations for the upcoming fiscal year and shall be available for the purposes specified.

596 (c) In addition to any other posting requirements under law, immediately after the
597 submission of the proposed budget to the city council, the mayor shall cause the entire budget
598 document to be posted on the city's website and such posting shall be prominently labeled as
599 "Proposed FY Budget". Said proposed budget document shall remain posted during the city

600 council review process under this article. After the enactment of the budget, the budget shall be
601 posted on the city's website and prominently labeled as “FY _ Budget”, reflecting the
602 corresponding year, and shall remain there throughout the fiscal year for which it is in effect.
603 Said budget document shall reflect any amendments made by the city council and approved by
604 the mayor.

605 Section 6-5: CAPITAL IMPROVEMENT PROGRAM

606 (a) The mayor shall submit a capital improvement program to the city council not
607 less than 120 days before the start of each fiscal year. The capital improvement program shall
608 include:

609 (i) a clear and concise general summary of its contents;

610 (ii) a list of all capital improvements proposed to be undertaken during the ensuing 5
611 years, with supporting information as to the need for each capital improvement;

612 (iii) cost estimates, methods of financing and recommended time schedules for each
613 improvement; and

614 (iv) the estimated annual cost of operating and maintaining each facility and piece of
615 major equipment involved.

616 (b) Information contained in the capital improvement program shall be annually
617 revised by the mayor regarding the capital improvements still pending or which are in the
618 process of being acquired, improved or constructed. The city council shall publish in at least 1
619 newspaper of general circulation in the city and on the city’s website a notice stating: (i) the
620 times and places where entire copies of the capital improvement program are available for

621 inspection by the public; and (ii) the date, time and place, not less than 14 days after such
622 publication, when a public hearing on said plan will be held by the city council.

623 (c) At any time after the public hearing but before the first day of the last month of
624 the current fiscal year, the city council shall by resolution adopt the capital improvements
625 program with or without amendment, provided that each amendment must be voted separately
626 and that any increase in the capital improvements program as submitted must clearly identify the
627 method of financing proposed to accomplish such increase.

628 Section 6-6: INDEPENDENT AUDIT

629 The city shall annually provide for an outside audit of the books and accounts of the city
630 to be conducted by a certified public accountant or a firm of certified public accountants, which
631 has no personal interest, direct or indirect, in the fiscal affairs of the city or its officers. The
632 mayor shall annually provide a sum sufficient to satisfy the estimated cost of conducting the
633 audit. The report of the audit shall be filed in final form and published on the city website. Not
634 less than every 5 years, the city shall conduct a competitive procurement process to retain
635 auditing services.

636 Section 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

637 Except as otherwise provided by law, no official shall knowingly and intentionally
638 expend in any fiscal year any sums in excess of the appropriations duly made in accordance with
639 law or involve the city in any contract for the future payment of money in excess of these
640 appropriations and any such expenditure or involvement shall be in strict compliance with
641 section 31 of chapter 44 of the General Laws. An official who violates this section shall be

642 personally liable to the city for any amounts so expended to the extent that the city does not
643 recover these amounts from the person to whom the sums were paid.

644 ARTICLE VII

645 ELECTIONS

646 Section 7-1: PRELIMINARY ELECTIONS

647 A preliminary election to nominate candidates for mayor, councilor-at-large, ward city
648 councilor and at-large and district school committee members shall be held on the second
649 Tuesday in September in each odd-numbered year in which the candidates are to be elected, but
650 the board of election commissioners may, with the approval of the city council, reschedule the
651 preliminary election to avoid a conflict with any civic or religious holiday. If a special election to
652 fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, not less than
653 35 days before the date established for the special election.

654 Section 7-2: PRELIMINARY ELECTION PROCEDURES

655 (a) The number of signatures of voters required to place the name of a candidate on
656 the official ballot to be used at a preliminary election shall be: (i) for the office of mayor, not less
657 than 150 certified signatures; (ii) for any office elected at-large other than the mayor, not less
658 than 100 certified signatures; (iii) for the office of ward councilor, not less than 50 certified
659 signatures; and (iv) for the office of district school committee, not less than 50 certified
660 signatures; provided, however, that the signatures for the office of ward councilor shall be from
661 voters in the ward for which the councilor seeks election and the signatures for district school
662 committee members shall be from voters in the wards comprising such district.

663 (b) Signatures of voters shall be made on a form prescribed by the board of election
664 commissioners and shall be made available not earlier than April 2 in each city election year and
665 those forms shall be submitted to the board of election commissioners for certification of the
666 names on or before 5:00 in the afternoon on the forty-fifth day prior to the declared date of the
667 preliminary election. An individual may appear on the ballot for only one office at any
668 preliminary, regular or special city election.

669 (c) The order in which names of candidates for each office appear on the ballot shall
670 be determined by a drawing, by lot, conducted by the city clerk not less than 40 days before the
671 preliminary election. The drawing shall be open to the public.

672 (d) The 2 persons who receive the highest number of votes for nomination for an
673 office at the preliminary election shall, except as provided by this section, be the sole candidates
674 for that office whose names shall be printed on the official ballot to be used at the regular or
675 special city election at which the office is to be voted upon and no acceptance of a nomination
676 shall be necessary to its validity. If 2 or more persons are to be elected to the same office at the
677 regular or special city election, the several persons equal in number to twice the number to be
678 elected, receiving at such preliminary election the highest number of votes for nomination for
679 that office shall, except as provided by this section, be the sole candidates for that office whose
680 names shall be printed on the official ballot.

681 (e) If the preliminary election results in a tie vote among candidates for nomination
682 receiving the lowest number of votes which would entitle a person receiving the same to have
683 that person's name printed on the official ballot for the election, all candidates participating in the
684 tie vote shall have their names printed on the official ballots; provided, however, that in

685 consequence thereof there shall be printed on the ballots the names of candidates exceeding
686 twice the number to be elected. If at the expiration of the time for filing statements of candidates
687 to be voted for at any preliminary election not more than twice as many such statements have
688 been filed with the board of election commissioners for an office as are to be elected to such
689 office, the candidates whose statements have been filed shall be deemed to have been nominated
690 to the office and those candidates shall be voted on for such office at the regular or special city
691 election and the board of election commissioners shall not print those names on the ballot to be
692 used at the preliminary election and no other nomination to the office shall be made.

693 (f) If in consequence it shall appear that no names are to be printed upon the official
694 ballot to be used at a preliminary election in the city, no preliminary election shall be held for
695 such office or offices.

696 Section 7-3 REGULAR CITY ELECTION

697 The regular city election shall be held on the first Tuesday following the first Monday in
698 November in each odd-numbered year.

699 Section 7-4: BALLOT POSITION, REGULAR CITY ELECTION

700 The order in which names of candidates for each office appear on the ballot shall be
701 determined by a drawing, by lot, conducted by the board of election commissioners not later than
702 7 days after the certification of the preliminary election results. If there is no preliminary election
703 in advance of the regular city election, the drawing shall be conducted not less than 40 days
704 before the general election. If there is no preliminary election in advance of a special city
705 election, the drawing shall be conducted not less than 40 days prior to the special city election.
706 The drawing shall be open to the public.

707 Section 7-5: NON-PARTISAN ELECTIONS

708 All elections for city offices shall be nonpartisan and election ballots shall be printed
709 without any party mark, emblem or other political designation.

710 Section 7-6: WARDS

711 The territory of the city shall be divided into 8 wards so established as to consist of as
712 nearly an equal number of inhabitants as is reasonable to achieve based on compact and
713 contiguous territory, bounded as far as reasonable by the center line of known streets or ways or
714 by other well-defined limits. Each ward shall be composed of voting precincts established in
715 accordance with the General Laws. The city council shall from time to time, but not less than
716 once every 10 years, review the wards to ensure their uniformity in number of inhabitants.

717 Section 7-7: APPLICATION OF STATE GENERAL LAWS

718 Except as otherwise expressly provided in this charter and authorized by law, all city
719 elections shall be governed by the General Laws relating to the right to vote, the registration of
720 voters, the nomination of candidates, voting places, the conduct of preliminary, regular and
721 special city elections, the submission of charters, charter amendments and other propositions to
722 the voters, the counting of votes, the recounting of votes and the determination of results.

723 ARTICLE VIII

724 CITIZEN PARTICIPATION MECHANISMS

725 Section 8-1: GROUP PETITIONS

726 The city council shall hold a public hearing and act with respect to every petition which is
727 addressed to the city council and that is signed by not less than 100 municipal voters as certified
728 by the board of election commissioners, along with their addresses, and that seeks the passage of
729 a measure. Once received, the petition shall be reviewed by the city’s legal department to ensure
730 it does not conflict with any provisions of the General Laws regarding public hearings and
731 legally permissible topics thereof. If approved for consideration, a hearing shall be held by the
732 city council or by a committee or subcommittee thereof and the city council shall act on the
733 petition within 3 months of filing with the city clerk. Hearings on 2 or more petitions filed under
734 this section may be held at the same time and place. Not less than 14 days before the hearing, the
735 city clerk shall notify the 10 petitioners whose names first appear on each such petition, publish a
736 general summary of the subject matter of the petition and post notice of the date and time of the
737 public hearing. A hearing shall not be held upon any subject more than once in a given 12-month
738 period, as determined by the city council president.

739 Section 8-2: CITIZEN NEW INITIATIVE MEASURES

740 (a) Initiative procedures shall be started by the filing of a proposed initiative petition
741 with the city clerk or the secretary of the school committee. The petition shall: (i) be addressed to
742 the city council or the school committee; (ii) contain a request for the passage of a particular
743 measure, which shall be set forth in full in the petition; and (iii) be signed by not less than 250
744 voters and include their addresses; provided, however, that not less than 25 of such signatures
745 shall be certified from each ward. Immediately upon receipt of a proposed initiative petition, the
746 city clerk or secretary of the school committee shall deliver a copy of said petition to the board of
747 election commissioners who shall certify the signatures within 5 days of receipt. The petition
748 shall be accompanied by an affidavit signed by 10 voters, containing their residential addresses,

749 stating that they will constitute the petitioners' committee and be responsible for circulating the
750 petition and filing it in proper form, as well as designating 1 member as its clerk.

751 (b) The city clerk or the secretary of the school committee shall, immediately
752 following receipt of a proposed petition, deliver a copy of the petition to the city solicitor. The
753 city solicitor shall, not more than 15 days following receipt of a copy of the petition, advise the
754 city council or the school committee in writing as to whether the measure as proposed may
755 lawfully be proposed by the initiative process. If the opinion of the city solicitor is that the
756 measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of
757 the opinion of the city solicitor shall be mailed to the members of the petitioners' committee.

758 (c) If the opinion of the city solicitor is that the petition is in a proper form, the board
759 of election commissioners shall provide blank forms for the use of subsequent signers and shall
760 print at the top of each blank form a fair, concise summary of the proposed measure, as
761 determined by the city solicitor, together with the names and addresses of the first 10 voters who
762 signed the originating petition. Not more than 90 days following the date the blank forms are
763 issued by the board of election commissioners, the petitions shall be returned and filed with the
764 board of election commissioners, signed by not less than 5 percent of the total number of voters
765 as of the date of the most recent city election. Signatures to an initiative petition may be on more
766 than 1 sheet of paper but all papers pertaining to any 1 measure shall be fastened together and
767 shall be filed as a single instrument with the endorsement on it of the name and residential
768 address of the person designated as filing the same. With each signature on the petition, there
769 shall also appear the street and number of the residence of each signer. Not more than 10 days
770 following the filing of the petition, the board of election commissioners shall ascertain by what
771 number of voters the petition has been signed and what percentage that number is of the total

772 number of voters as of the date of the most recent city election. The board of election
773 commissioners of voters shall attach to the petition a certificate showing the results of its
774 examination and shall return the petition to the city clerk or to the secretary of the school
775 committee, depending on how the petition is addressed. A copy of the board of election
776 commissioners' certificate shall also be mailed to the person designated as clerk of the
777 petitioners' committee.

778 (d) Not more than 30 days following the date a petition has been returned to the city
779 clerk or the secretary of the school committee and after publication under subsection (f), the city
780 council or the school committee shall act with respect to each initiative petition by: (i) passing it
781 without change; (ii) passing a measure stated to be in lieu of the initiative measure; or (iii)
782 rejecting it. The passage of a measure in lieu of an initiative measure shall be considered a
783 rejection of the initiative measure. If the city council or the school committee does not act with
784 respect to an initiative measure that is presented to it not more than 30 days following the date
785 the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth
786 day. If an initiative measure is rejected, the city clerk or the secretary of the school committee
787 shall promptly give notice of that fact to the persons designated as the petitioners' committee by
788 certified mail.

789 (e) Not more than 60 days following the date an initiative petition has been rejected,
790 a supplemental initiative petition may be filed with the city clerk or the secretary of the school
791 committee, but only by persons constituting the original petitioners' committee. The board of
792 election commissioners shall provide supplemental initiative petition forms to the original
793 petitioners' committee upon request. The supplemental initiative petition shall be signed by a
794 number of additional voters that is not less than 7 per cent of the total number of voters as of the

795 date of the most recent city election. The signatures on the initial petition filed under subsection
796 (c) and the signatures on the supplemental petition filed under this subsection, taken together,
797 shall contain the signatures of not less than 12 per cent of the total number of voters in the city. If
798 the number of signatures to this supplemental petition is found to be sufficient by the city clerk,
799 the city council shall call a special election to be held on a date fixed by it not less than 35 days
800 nor more than 90 days following the date of the certificate of the city clerk that a sufficient
801 number of voters have signed the supplemental initiative petition and shall submit the proposed
802 measure, without alteration, to the voters for determination; provided, however, that if another
803 city election is to be held not more than 180 days following the date of the certificate of the city
804 clerk that a sufficient number of voters have signed the supplemental initiative petition and the
805 clerk receives notice from the board of election commissioners that sufficient signatures have
806 been filed by the date of the city's preliminary election, the city council may omit the calling of
807 such special election and cause the question to appear on the election ballot at such regular city
808 election for determination by the voters.

809 (f) The full text of an initiative measure that is to be submitted to the voters shall be
810 published in at least 1 local newspaper not less than 7 days but not more than 14 days before the
811 date of the election at which the question is to be voted upon. Additional copies of the full text
812 shall be available for distribution to the public in the office of the board of election
813 commissioners and the text of the initiative and ballot question shall be posted on the city's
814 website.

815 (g) The ballots used when voting on a measure proposed by the voters under this
816 section shall contain a question in substantially the following form: Shall the following measure

817 that was proposed by an initiative petition take effect? (insert a fair, concise summary prepared
818 and approved by the city solicitor.)

819 YES

820 NO

821 If the vote meets the voter participation criterion of section 8-6, and a majority of the
822 votes cast on the question is in the affirmative, the measure shall be effective immediately unless
823 a later date is specified in the measure.

824 Section 8-3: CITIZEN REPEAL REFERENDUM PROCEDURES

825 (a) If, not more than 21 days following the date on which the city council or the
826 school committee has voted finally to approve of a measure, a petition signed by a number of
827 voters amounting to not less than 12 percent of the total number of voters as of the date of the
828 most recent general city election and addressed to the city council or to the school committee, as
829 the case may be, protesting against the measure or any part of it is filed with the secretary of the
830 school committee or city clerk, the effective date of the measure shall be temporarily suspended.
831 The school committee or the city council shall immediately reconsider its vote on the measure or
832 part of it and, if the measure is not rescinded, the city council shall provide for the submission of
833 the question for a determination by the voters at a special election, which the city council may
834 call at its convenience, or within such time as may be requested by the school committee or at
835 the next regular city election; provided, however, that pending this submission and determination
836 the effect of the measure shall continue to be suspended.

837 (b) The petition under this section shall be a referendum petition and the applicable
838 provisions of section 8-2 that relate to the filing and certification of signatures shall apply to such
839 referendum petitions, except that the words "measure or part thereof protested against" shall
840 replace the word "measure" and the word "referendum" shall replace the word "initiative". The
841 measure or part protested against shall be null and void unless a majority of those voting on the
842 question shall vote in favor of the measure or part protested against at the election.

843 Section 8-4: INELIGIBLE MEASURES

844 (a) The following shall not be subject to the initiative or referendum procedures:

845 (1) A proceeding relating to the internal organization or operation of the city council or
846 the school committee;

847 (2) An emergency measure adopted under this charter;

848 (3) The city budget or school committee budget as a whole, or any portion thereof;

849 (4) An appropriation for the payment of the city's debt or debt service;

850 (5) An appropriation of funds to implement a collective bargaining agreement;

851 (6) A proceeding relating to the appointment, removal, discharge, employment,
852 promotion, transfer, demotion or other personnel action;

853 (7) A proceeding repealing or rescinding a measure or part of it that is protested by
854 referendum procedures;

855 (8) A proceeding providing for the submission or referral to the voters at an election;

856 (9) A memorial resolution and other votes constituting ordinary, routine matters not
857 suitable as the subject of an initiative or referendum petition;

858 (10) Setting of a property tax rate;

859 (11) Setting of water and sewer rates; and

860 (12) A change in the title of a city agency or any body, department, division, office or
861 public school within the city.

862 Section 8-5 RECALL

863 (a) The holder of the elected office of mayor in the city, with more than 6 months
864 remaining in the term of office for which the mayor was elected, may be recalled therefrom by
865 the voters of the city in the manner provided in this section. No recall petition shall be filed
866 against an officer within 6 months after taking office.

867 (b) A recall petition may be initiated by the filing of an affidavit containing the name
868 of the mayor and the grounds of the recall signed by not less than 500 voters. The board of
869 election commissioners shall thereupon deliver to those voters making the affidavit copies of
870 petition blanks demanding such recall and the board of election commissioners shall keep copies
871 of such printed forms available. The blanks shall be issued by the board of election
872 commissioners, with signature and official seal attached thereto. The blanks shall be dated, be
873 addressed to the city council and contain the names of all the persons to whom the blanks are
874 issued, the number of blanks so issued, the name of the person whose recall is sought, the office
875 from which removal is sought and the grounds of recall as stated in the affidavit. A copy of the
876 petition shall be entered in a record book to be kept in the office of the board of election

877 commissioners. Said recall petition shall be returned and filed with the board of election
878 commissioners within 40 days after the filing of the affidavit and shall have been signed by not
879 less than 20 per cent of the voters of the city. The board of election commissioners shall, within 5
880 days, certify thereon the number of signatures which are names of voters.

881 (c) If the petition shall be found and certified by the board of election commissioners
882 to be sufficient, the board shall submit the same with such certificate to the city council within 5
883 days and the city council shall give written notice of the receipt of the certificate to the mayor
884 sought to be recalled and shall, if the mayor does not resign within 5 days thereafter, order an
885 election to be held on a date fixed by the city council not less than 64 days and not more than 90
886 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided,
887 however, that if any other municipal election is to occur not more than 120 days after the date of
888 the certificate, the city council shall postpone the holding of the recall election to the date of such
889 other election. If a vacancy occurs in the office of mayor after a recall election has been ordered,
890 the election shall not be held as provided in this section.

891 (d) The mayor shall continue to perform the duties of the office until the recall
892 election. If the mayor is not recalled, the mayor shall continue in office for the remainder of the
893 unexpired term subject to recall as before. If recalled, the mayor shall be deemed removed and
894 the office vacant. The vacancy created thereby shall be filled pursuant to article 3. A person
895 chosen to fill the vacancy caused by a recall shall hold office until the next regular municipal
896 election. Should the person be a candidate in the subsequent election, that person will not be
897 allowed to have "candidate for reelection" appear on the ballot at such election.

898 (e) The form of the question to be voted upon shall be substantially as follows: Shall
899 [insert the name and title of the elective officer whose recall is sought] be recalled? YES___
900 NO___

901 (f) If a majority of the votes cast upon the question of recall is in the affirmative, the
902 mayor shall be recalled.

903 (g) In the case of a mayor subjected to a recall election and not recalled thereby, no
904 other or additional recall petition shall be filed against such officer until not less than 270 days
905 after the election at which the recall was submitted to the voters of the city.

906 (h) No person who has been recalled from office or who has resigned from office
907 while recall proceedings were pending against such person shall be appointed to any city office
908 within 2 years after such recall or such resignation.

909 Section 8-6: REQUIRED VOTER PARTICIPATION

910 For any measure to be effective under initiative procedure and for any measure to be
911 declared null and void under a referendum procedure, not less than 20 per cent of the registered
912 voters as of the most recent regular city election must vote at an election that includes on the
913 ballot submission to the voters of 1 or more initiative or referendum questions. Any election that
914 includes on the ballot submission a recall question shall require that not less than 25 per cent of
915 the registered voters as of the most recent regular city election must vote at such election.

916 Section 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

917 The city council may, by its own motion, and shall, at the request of the mayor or the
918 school committee if a measure originates with the mayor or school committee and pertains to

919 affairs under its jurisdiction, submit to the voters at any regular city election for adoption or
920 rejection of any measure in the same manner and with the same force and effect as are hereby
921 provided for submission by petitions of voters.

922 Section 8-8: CONFLICTING PROVISIONS

923 If 2 or more measures passed at the same election contain conflicting provisions, only the
924 measure receiving the greatest number of affirmative votes shall take effect.

925 ARTICLE IX

926 GENERAL PROVISIONS

927 Section 9-1: CHARTER CHANGES

928 This charter may be replaced, revised or amended in accordance with any procedure
929 made available under the constitution of the commonwealth or by the General Laws.

930 Section 9-2: SPECIFIC PROVISION TO PREVAIL

931 To the extent that a specific provision of this charter conflicts with any provision
932 expressed in general terms, the specific provision of the charter shall prevail.

933 Section 9-3: RULES AND REGULATIONS

934 A copy of all rules and regulations adopted by a city agency shall be placed on file in the
935 office of the city clerk not later than the effective date of the rule or regulation and shall be
936 available for review by any person who requests such information at any reasonable time. Unless
937 an emergency exists as determined by the mayor, no rule or regulation adopted by a city agency
938 shall become effective until not less than 5 days following the date it is filed.

939 Section 9-4: PERIODIC REVIEW OF CHARTER

940 (a) The charter shall be subject to review by a charter review committee as defined
941 under this section within 5 years of the charter's approval by the voters and every 10 years
942 thereafter.

943 (b) In any year where a charter review is taking place, the mayor and city council
944 shall provide for a review to be made of the city charter. This review shall be made by a special
945 committee composed of 3 appointees of the mayor, 3 appointees of the city council and 3
946 appointees of the school committee. In the case of the resignation or removal of a member of the
947 special committee, the original appointing authority shall appoint a replacement. All members
948 shall be appointed by March 1 of the year of the charter review, and the committee shall prepare
949 a report of its recommendations within 15 months of the committee's appointments. The
950 committee shall hold not less than 2 public hearings, 1 to hear testimony from city officials and
951 residents, and 1 to present the committee's recommendations to the public. All members of the
952 committee shall be voters. The special committee shall file its report with the city clerk. Copies
953 of any recommendations shall be made available to the public at city hall and posted to the
954 municipal website.

955 (c) The city council shall review and vote on the recommendations within 90 days of
956 receipt of the committee's report. The city council may amend the recommendations.

957 Section 9-5: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER
958 BODIES

959 (a) All appointed multiple-member bodies shall elect a chair, a vice-chair and a
960 secretary and any other officer it deems necessary.

961 (b) All appointed multiple-member bodies of the city shall meet regularly at the times
962 and places that the multiple-member body, by the body's own rules, prescribe. Special meetings
963 of any multiple-member body shall be held at the call of the chair or by a majority of the
964 members of the body. Notice of the meeting shall be posted as required by law. Except as may
965 otherwise be authorized by law, all meetings of all multiple-member bodies shall always be open
966 to the public.

967 (c) Each appointed multiple-member body shall determine its own rules and order of
968 business. Each multiple-member body shall provide for the keeping of agendas, minutes and
969 related submissions of its proceedings. All such documents shall be a public record and certified
970 copies shall be placed on file in the office of the city clerk within a reasonable period from the
971 date of approval or acceptance of such submissions. Agendas and meeting minutes shall be
972 posted on the city's website at the same time as submission to the city clerk and, to the extent
973 practicable, all related submissions to any agenda item; provided, however, that if such
974 submission cannot reasonably be posted on the website, the meeting minutes shall state where
975 and when any submissions as referenced in the meeting minutes can be viewed.

976 (d) If requested by a member, the vote of an appointed multiple-member body shall
977 be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if
978 the vote is unanimous, only that fact need be recorded.

979 (e) A majority of the members of an appointed multiple-member body shall
980 constitute a quorum. Unless some other provision is made by the multiple-member body's own
981 rules while a quorum is present, except on procedural matters, a majority of the full membership
982 of the body shall be required to vote on any matter representing an exercise of the powers of the

983 multiple-member body; provided, however, that a vote to meet in executive session shall require
984 a majority of the full multiple-member body.

985 (f) All appointed multiple-member body members shall be residents of the city.
986 However, the residency requirement established by this subsection may be waived by majority
987 vote of the city council upon recommendation of the mayor. The mayor's recommendation shall
988 set out the reasons why said waiver is in the best interest of the city.

989 Section 9-6: LOSS OF OFFICE; EXCESSIVE ABSENCE

990 If any person appointed to serve as a member of a multiple-member body shall fail to
991 attend 3 or more consecutive meetings, or all of the meetings held during 4 calendar months, or
992 not less than 50 per cent of all of the meetings of such body held in 1 calendar year, the
993 remaining members of the multiple-member body shall, by a majority vote of their members,
994 notify the appointing authority. Such notice to the appointing authority shall include the notice
995 from the chair of the multiple-member body to the person meeting the criteria above given in
996 hand, or mailed, postage prepaid, by registered or certified mail, return receipt requested, of the
997 body's intent to notify the appointing authority of the incidence of absence not less than 10 days
998 before providing notice to the appointing authority, and the response, if any, received from the
999 person so notified. Only the appointing authority may determine if the seat is to be declared
1000 vacant.

1001 Section 9-7: REFERENCES TO GENERAL LAWS

1002 All references to General Laws contained in the charter refer to the General Laws of the
1003 commonwealth and are intended to refer to and to include any amendments or revisions to such

1004 chapters or sections or to the corresponding chapters and sections of any rearrangement, revision
1005 or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

1006 Section 9-8: COMPUTATION OF TIME

1007 In computing time under this charter, the day of the act or event after which the
1008 designated period of time begins to run shall not be included. The last day of the period shall be
1009 included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be
1010 extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of
1011 time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not
1012 be included and when the period is 7 days or more, Saturdays, Sundays and legal holidays shall
1013 be included.

1014 Section 9-9: OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR, CITY
1015 COUNCIL, SCHOOL COMMITTEE

1016 A mayor-elect, the city council members-elect and the school committee members-elect
1017 shall, on the first Monday in the January of each even-numbered year, meet and take an oath or
1018 affirmation to the faithful discharge of the duties of their office by the city clerk. If the first
1019 Monday in January of such even numbered years falls on a legal holiday, the oaths or
1020 affirmations shall be taken on the following day. Upon receiving the oath or affirmation, each
1021 official shall document the same by signing an oath or affirmation that shall be kept in a bound
1022 book maintained by the city clerk. In the case of the absence of the mayor-elect or any member-
1023 elect of the city council or school committee on the day the oath is administered, the oath or
1024 affirmation may at any time thereafter be administered to that person by the city clerk, the

1025 assistant city clerk, a judge of a court of record or by a justice of the peace. Modifications to this
1026 section may be prescribed by ordinance.

1027 Section 9-10: CERTIFICATE OF ELECTION OR APPOINTMENT

1028 Every person who is elected or appointed to an office or as a member of a multiple-
1029 member body shall receive a certificate of that election or appointment from the board of
1030 election commissioners. Except as otherwise provided by law, every person who is elected or
1031 appointed to an office or as a member of a multiple-member body, before performing any act
1032 under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to
1033 enter upon the duties. The city clerk shall keep a record of such oath.

1034 Section 9-11: LIMITATION ON OFFICE HOLDING

1035 Unless otherwise allowed by law or this charter, no person shall simultaneously hold
1036 more than 1 city office or position of employment. This section may be waived by the mayor
1037 with the approval of the city council by majority vote. The city council shall have 30 days to
1038 accept or reject the mayor's request. If the city council does not act within said 30 days, the
1039 waiver shall become effective.

1040 Section 9-12: FELONY CONVICTION

1041 An elected official who has been convicted of a state or federal felony while holding
1042 office shall be deemed to have vacated the office. Any such vacancy shall be filled in accordance
1043 with the charter.

1044 Section 9-13: ENFORCEMENT OF CHARTER PROVISIONS

1045 It shall be the duty of the mayor to see that the charter is faithfully followed and complied
1046 with by all city agencies and city employees. Whenever it appears to the mayor that a city agency
1047 or city employee is failing to follow this charter the mayor shall, in writing, cause notice to be
1048 given to that agency or employee directing compliance with the charter. If it appears to the city
1049 council that the mayor personally is not following the charter the city council shall, by
1050 resolution, direct the attention of the mayor to those areas in which it believes there is a failure to
1051 comply with the charter. Procedures under chapter 231A of the General Laws may be used to
1052 determine the rights, duties, status or other legal relations arising under this charter, including
1053 any question of construction or validity which may be involved in such determination.

1054 Section 9-14: CONFLICT OF INTEREST

1055 All city employees shall be considered municipal employees under chapter 268A of the
1056 General Laws and shall comply with the state conflict of interest laws.

1057 ARTICLE X

1058 TRANSITIONAL PROVISIONS

1059 Section 10-1: CONTINUATION OF EXISTING LAWS

1060 All general or special laws, city ordinances and rules and regulations of or pertaining to
1061 the city, including special acts creating regional entities and arrangements of which the city is a
1062 member, that are in force when this charter takes effect, and not specifically or by implication
1063 repealed by this charter, shall continue in full force and effect until amended or repealed,
1064 rescinded by law or until they expire by their own limitation. In any case in which this charter is
1065 found to be inconsistent with any general or special law that would otherwise be applicable, this

1066 charter shall be deemed to prevail. Every inconsistency between the prior law and this charter
1067 shall be decided in favor of this charter.

1068 Section 10-2: CONTINUATION OF GOVERNMENT AND
1069 ADMINISTRATION

1070 All city agencies shall continue to perform the duties of the agency until re-elected,
1071 reappointed or until successors to the respective positions are duly appointed or elected or until
1072 the duties have been transferred and assumed by another city agency.

1073 Section 10-3: TRANSFER OF RECORDS AND PROPERTY

1074 All records, property and equipment of a city agency, or part thereof, the powers and
1075 duties of which are assigned in whole or in part to another city agency, shall be transferred
1076 immediately to that agency.

1077 Section 10-4: EFFECT ON OBLIGATIONS, TAXES, ETC.

1078 All official bonds, recognizance, obligations, contracts and other instruments entered into
1079 or executed by or to the city before the adoption of this charter and all taxes, assessments, fines,
1080 penalties and forfeitures, incurred or imposed, due or owing to the city, shall be enforced and
1081 collected and all writs, prosecutions, actions and causes of action, except as otherwise provided
1082 in this charter, shall continue without abatement and remain unaffected by the charter. No legal
1083 act done by or in favor of the city shall be rendered invalid by reason of the adoption of this
1084 charter.

1085 Section 10-5: DISPOSITION OF CERTAIN SPECIAL ACTS

1086 Chapter 839 of the acts of 1974, authorizing the city to establish an office of community
1087 development and chapter 421 of the acts of 1958, as amended by Chapter 163 of 2014,
1088 establishing a traffic commission in the city are hereby retained until the city takes action
1089 pursuant to article 5.

1090 SECTION 3. (a) The mayor shall be elected to a 4-year term beginning at the
1091 November 2, 2027 regular city election.

1092 (b) The city council comprised of 11 members, 8 from wards and 3 at-large, shall be
1093 elected beginning at the November 2, 2027 regular city election.

1094 (c) The 6 elected school committee members comprised of 4 district school
1095 committee members and 2 at-large school committee members shall be elected beginning at the
1096 November 2, 2027 election.

1097 (d) The provisions in article 6 relative to the operating budget and capital
1098 improvement program shall be in effect for the fiscal year beginning July 1, 2028.

1099 SECTION 4. The board of election commissioners shall cause the following question to
1100 be placed on the official ballot to be used by the city of Medford at the regular city election to be
1101 held on November 4, 2025:

1102 Shall the city adopt an act passed by the general court in the year 2025 entitled: An Act
1103 establishing a charter for the city of Medford?

1104 The city solicitor shall prepare the summary of the proposed special act charter which
1105 shall appear on the ballot along with the question provided in this section and the city solicitor

1106 shall submit the question and summary to the board of election commissioners in accordance
1107 with section 42C of chapter 54 of the General Laws.

1108 SECTION 5. Sections 1 and 2 shall take effect upon acceptance by a majority of the
1109 voters participating in the November 4, 2025 election voting in the affirmative, but not
1110 otherwise.

1111 SECTION 6. This act shall take effect upon its passage.